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Amendment
Attorney Docket No. S63.2B-9515-US01

Remarks

Rejections

35 U.S.C. §112, first paragraph

Claims 1, 14, 17, 22 and 23 have been rejected under 35 U.S.C. §112, first paragraph, as based on a disclosure which is not enabling. The Office Action asserts that the differentiation between the terms "compliant" and "semi-compliant" is critical or essential to the practice of the invention, but not included is the claim(s) is not enabled by the disclosure.

Claims 1 and 14 have been amended.

Claims 17, 22 and 23 have been canceled.

The Office Action asserts that claims 18-20, 22 and 23 recite the limitations "layer (A) and "layer (B)", and that there is insufficient antecedent basis for these limitations in the claims which depend on parent claim 14.

Claim 14 has been amended. Claims 18-20 depend from claim 14.

Claims 22 and 23 have been canceled.

New claims 24 and 25 have been added, however, which includes both terms "compliant" and "semi-compliant".

Since both compliant and semi-compliant materials are included in the claim, it is irrelevant whether or not the terms overlap. Applicants assert that no clear distinction is required between the terms.

Furthermore, this terminology is commonly employed in the art, and those of ordinary skill understand such terminology. Applicants have included the results of a search illustrating the fact that the terminology is commonly employed.

The disclosure is enabling for both "semi-compliant" and "compliant" polymer materials. See claim 17.

Support for claim 25 is found on page 5 of the specification.

35 U.S.C. §103(a)

Claims 1-7, 9 and 11-13 have been rejected under 35 U.S.C. §103(a) as being

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unpatentable over Rau et al. (previously cited WO 95/18647) in view of Zdrahala (previously cited US 5,248,305), as evidenced by Bland et al. (previously cited US 5,427,842).

The Office Action asserts that regarding claim 1, Rau et al. has a balloon for a medical device (catheter) (column 1, lines 10-15) comprising a plurality of fibers to provide reinforcement (column 14, lines 25-30) wherein the reinforcing fibers may comprise LCP (column 15, lines 1-5). The Office Action asserts that Rau et al. also teach that other thermoplastic materials used to make the balloon may include polyurethane (column 1, lines 15-20).

The Office Action further asserts that Bland et al. teach that the ductile polymer may be a polyurethane or a polyamide (column 4, lines 45-55), Applicants' specification teaches that polyamide belongs to the group of "compliant" or "semi-compliant" polymer (page 10, lines 28-31 and thus the term "ductile overlaps the terms "compliant" and "semi-compliant", and thus, polyurethane is semi-compliant as evidenced by Bland et al.

The Office Action thus concludes that it would have been obvious to one of ordinary skill in the art to have used polyurethane instead of thermoplastic polyimide (column 2, lines 15-20) in order to obtain a balloon with increased compliance.

Applicants have amended claim 1 to recite "a block copolymer matrix material".

Neither Rau et al. nor Bland et al. teach block copolymers.

Zdrahala et al. is directed to catheter tubing, not balloons.

Consequently, claim 1 as amended is not obvious over this combination of references.

Claims 2-7, 9 and 11-13 depend from claim 1 and are patentable over Rau et al. (previously cited WO 95/18647) in view of Zdrahala (previously cited US 5,248,305), as evidenced by Bland et al. (previously cited US 5,427,842).

Applicants respectfully request withdrawal of the rejection of claims 1-7, 9 and 11-13 under 35 U.S.C. §103(a) as being obvious over Rau et al. (previously cited WO 95/18647) in view of Zdrahala (previously cited US 5,248,305), as evidenced by Bland et al. (previously cited US 5,427,842).

Claims 1, 7-8, 14 and 16-23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Rau et al. in view of Bland et al., as evidenced by Zdrahala.

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Claim 1 has been amended as discussed above. Claims 7-8 depend from claim 1 and are patentable for at least the reasons that claim 1 is patentable.

Claim 14 has been amended as well, reciting that the polymer material of layer (A) is a block copolymer and the polymer material of layer (B) is a block copolymer.

Rau et al. teach polyimides.

Bland et al. do not teach block copolymers.

Zdrahala is directed to catheter tubing, not medical balloons.

Applicants assert that claim 14, as amended, is not obvious over this combination of references for the same reasons that claim 1 is not obvious over this combination of references.

Claims 16 and 18-21 depend from claim 14 and are patentable for at least the reasons that claim 14 is patentable.

Claims 17, 22 and 23 have been canceled.

Applicant respectfully request withdrawal of the rejection of claims 1, 7-8, 14 and 16-23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Rau et al. in view of Bland et al., as evidenced by Zdrahala.

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CONCLUSION

Claims 1-14, 16, 18-21 and 24-25 are pending in the application. Applicants have addressed each of the issues presented in the Office Action. Based on the foregoing, Applicants respectfully request reconsideration and an early allowance of the claims as presented. Should any issues remain, the attorney of record may be contacted at (952)563-3011, to expedite prosecution of this application.

Respectfully submitted,

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